



1 **I make the following FINDINGS - that the Defendant**
2 **understands:**

- 3 1. the right to persist in a plea of "not guilty";
- 4 2. the right to a speedy and public trial;
- 5 3. the right to be tried by a jury, or the ability to
6 waive that right and have a judge try the case without
7 a jury;
- 8 4. the right to the assistance of counsel at trial;
- 9 5. that, at trial, there would be the right to confront
10 and cross-examine the witnesses against the Defendant;
- 11 6. that, at trial, there is the right to present a
12 defense, and the right to have witnesses subpoenaed to
13 testify on the Defendant's behalf;
- 14 7. that, at trial, the Defendant would have the right
15 against compelled self-incrimination;
- 16 8. the nature of the charge filed in this case;
- 17 9. the maximum possible sentence that could be imposed
18 (including imprisonment, fine, term of supervised
19 release, and mandatory special assessment), the effect
20 of a supervised release term, and that the sentencing
21 guidelines are only advisory so that the Court may
22 sentence Defendant up to the statutory maximum;
- 23 10. the terms of the plea agreement;

24 **I further find that:**

- 25 11. that Defendant's plea of guilty is made knowingly and
26 voluntarily;
- 27 12. the Defendant is competent to enter a plea; and
- 28 13. there is a factual basis for Defendant's plea.

1 **I therefore RECOMMEND that the District Judge accept the**
2 **Defendant's plea of guilty.**

3 The sentencing hearing will be before United States District
4 **Judge ROGER T. BENITEZ, on SEPTEMBER 2, 2008, at 9:00 A.M.**

5 Objections to these Findings and Recommendation were waived
6 by the parties at the hearing. The parties have also waived the
7 preparation of the Presentence report in this case.

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10 Dated: AUGUST 5, 2008



Honorable CATHY ANN BENCIVENGO
United States Magistrate Judge

12 Copies to:

13 Hon. ROGER T. BENITEZ
U.S. District Judge
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15 WILLIAM HALL
United States Attorney
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